

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

MELVIN MAZARIEGOS,

Plaintiff,

v.

NO. 19-2165

MEMMEX, INC. D/B/A SALSA COCINA
MEXICAN RESTAURANT, CESAR PARRA,
and DAVID PARRA

Defendants.

ANSWER OF MEMMEX, INC. TO COMPLAINT

COMES NOW Defendant, Memmex, Inc., and provides the following answer and response to the Complaint in this cause:

AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted.

ANSWER

1. Defendant admits that the Court has original jurisdiction to hear this Complaint as alleged in paragraph one (1) of the Complaint.

2. Defendant admits based upon information and belief that Plaintiff is a resident of Memphis, Tennessee, and that Plaintiff was an employee of Defendant working as cook, but Defendant denies that employee was an employee of the other Defendants in this cause.

3. Defendant admits the allegations in paragraph three (3) of the Complaint.

4. Defendant admits that Plaintiff was an employee as previously stated by Defendant, but Defendant denies the other allegations in paragraph four (4) of the Complaint and demands strict proof thereof.

5. Defendant denies the allegations in paragraph five (5) of the Complaint and demands strict proof thereof.

6. Defendant admits that it is a restaurant and has annual sales of not less than Five Hundred Thousand Dollars (\$500,000.00), but Defendant demands strict proof as to the other allegations in paragraph six (6) of the Complaint.

7. Defendant admits that Cesar Parra is an owner and manager of Defendant, Memmex, Inc., but Defendant denies the other allegations in paragraph seven (7) of the Complaint and demands strict proof thereof.

8. Defendant admits that David Parra is a manager of Defendant, Memmex, Inc., but Defendant denies the other allegations in paragraph eight (8) of the Complaint and demands strict proof thereof.

9. In regard to paragraph nine (9), Defendant admits that this action is the action of Plaintiff.

10. Defendant admits that Plaintiff was an employee of Memmex, Inc., at the restaurant of Defendant at 6150 Poplar Avenue, Suite 129, Memphis, Tennessee 38119, beginning said employment in

early 2015, that Plaintiff's primary responsibilities and duties involved the preparation of food and related activities for Defendant, but Defendant denies that Plaintiff's comments and/or opinions about employees and the decision or management of employees was not given any weight by Defendant Memmex, Inc.

11. Defendant denies the representations or interruptions of Plaintiff about the Federal Fair Labor Standards Act for the Federal Fair Labor Standards Act will speak for itself, and Defendant denies the other allegations in paragraph eleven (11) of the Complaint and demands strict proof thereof.

12. Defendant denies the allegations in paragraph twelve (12) of the Complaint and demands strict proof thereof.

13. Defendant denies the allegations as presented in paragraph thirteen (13) of the Complaint and demands strict proof thereof.

14. Defendant denies the allegations in paragraph fourteen (14) of the Complaint and demands strict proof thereof.

15. Defendant denies the allegations in paragraph fifteen (15) of the Complaint and demands strict proof thereof.

16. Defendant denies the allegations in paragraph sixteen (16) of the Complaint and demands strict proof thereof.

17. Defendant made and maintained records regarding Plaintiff and the employment activities of Plaintiff; however, certain records have become lost or misplaced, but Defendant is attempting to determine if they can be found or located; therefore, Defendant

denies the allegations as presented and alleged in paragraph seventeen (17) of the Complaint.

18. Defendant denies the allegations in paragraph eighteen (18) of the Complaint and demands strict proof thereof.

19. Defendant denies that Plaintiff is entitled to the relief as stated in the prayer for relief in this cause.

20. All other allegations not hereinabove admitted, controverted, or denied are hereby denied.

WHEREFORE, Defendant, Memmex, Inc., prays that the Complaint in this cause be dismissed, that Defendant be allowed to go hence, and that such other, further, and additional relief be granted as is just and proper.

Respectfully submitted,

/s/ W. Clark Washington

W. CLARK WASHINGTON #7198
Attorney for Defendant,
Memmex, Inc.
2773 Summer Oaks Drive
Memphis, TN 38134
901/371-9197

CERTIFICATE OF SERVICE

I, W. Clark Washington, hereby certify that I have forwarded a copy of the foregoing instrument to Bryce Ashby, Attorney for Plaintiff, Donati Law, PLLC, 1545 Union Avenue, Memphis, TN 38104, via U. S. Mail, postage prepaid, this 8th day of April, 2019.

/s/ W. Clark Washington
W. Clark Washington